

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:17-HC-2025-BR

UNITED STATES OF AMERICA

v.

DANIEL WAYNE PARSONS

RESPONSE TO GOVERNMENT'S
MOTION FOR EXAMINATION AND
MOTION FOR EXTENSION [DE 12]

On February 8, 2017, the government certified Mr. Daniel Wayne Parsons as a sexually dangerous person pursuant to the Adam Walsh Act. [DE 1.] On March 8, 2017, the government moved to allow Dr. Gary Zinik to examine Mr. Parsons and for an extension of time for Dr. Zinik to file his report. [DE 11, 12.] Dr. Diane Lytton, the court-appointed examiner, and Dr. Joseph Plaud, the respondent-selected examiner, are already scheduled to interview Mr. Parsons and write reports detailing their conclusions about whether or not Mr. Parsons is a sexually dangerous person. [DE 7, 10.] Dr. Heather Ross, a Bureau of Prisons (BOP) psychologist, has already authored a report with her opinion regarding Mr. Parsons's potential dangerousness.

Mr. Parsons very respectfully opposes the government's request to allow Dr. Zinik to evaluate him. Mr. Parsons will be interviewed by both Drs. Lytton and Plaud, and the government has not articulated a need for the requested additional evaluation. The government simply states that Dr. Zinik "specializes in sex offender risk assessment," is willing to perform an evaluation, and "has significant experience" in Adam Walsh Act cases. [DE 12 at 2.] The government goes on to explain why clinical interviews are helpful to examiners. Drs. Lytton and Plaud are also specialists in sex offender risk assessment with significant experience. The government does not offer an

explanation for why Dr. Zinik is necessary in addition to the two recently appointed examiners and its own BOP evaluator. Respectfully, Mr. Parsons contends that the government has not “adequately justified” the need for an examination by Dr. Zinik. *United States v. Thompson*, DE 21, 5:15-HC-2253-FL (E.D.N.C. Jan. 4, 2016).

Notwithstanding his objection to the interview, Mr. Parsons has no objection to Dr. Zinik having additional time to submit a report to the Court.

Respectfully requested this 15th day of March, 2017.

THOMAS P. McNAMARA
Federal Public Defender

/s/ Katherine Shea
KATHERINE SHEA
Assistant Federal Public Defender
Attorney for Defendant
Office of the Federal Public Defender
150 Fayetteville Street, Suite 450
Raleigh, North Carolina 27601
Telephone: 919-856-4236
Fax: 919-856-4477
E-mail: Kat_Shea@fd.org
Member of New York State Bar
LR 57.1 Counsel
Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

MICHAEL ANDERSON
Assistant United States Attorney
Suite 800, Federal Building
310 New Bern Avenue
Raleigh, NC 27601-1461

by electronically filing the foregoing with the Clerk of Court on March 15, 2017, using the CM/ECF system which will send notification of such filing to the above.

This the 15th day of March, 2017.

/s/ Katherine Shea
KATHERINE SHEA
Assistant Federal Public Defender
Attorney for Defendant
Office of the Federal Public Defender
150 Fayetteville Street, Suite 450
Raleigh, North Carolina 27601
Telephone: 919-856-4236
Fax: 919-856-4477
E-mail: Kat_Shea@fd.org
Member of New York State Bar
LR 57.1 Counsel
Appointed